

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

GABRIEL LEE CLAYCAMP,

Plaintiff,

vs.

LALO TRUCKING, INC., a foreign
corporation transacting business in the state of
Washington, and EDWIN PEREZ and JANE
DOE PEREZ, individually, and the marital
community composed thereof, and JOHN DOE
1-5, entities or individuals,

Jointly and severally,

Defendants.

No. 2:22-cv-00292

**NOTICE OF REMOVAL TO FEDERAL
COURT PURSUANT TO 28 USC §1441 &
§1446**

(Clerk's Action Required)

Defendants Lalo Trucking, Inc. and Edwin Perez hereby provide notice of removal pursuant to 28 U.S.C § 1332(a) and (c), § 1441(a), § 1446(a), (b) and (d), and Western District LCR 101(a) and (b). The grounds for removal are as follows:

1. On February 15, 2022, Plaintiff initiated the underlying state court action by issuing summons and serving at least one defendant, as allowed under Washington Civil Rule 3(a).

1 2. On February 17, 2022, Defendants retained counsel who served on Plaintiff's
2 counsel a notice of appearance.

3 3. On February 18, 2022, pursuant to Washington Civil Rule 3, Defendants
4 demanded that Plaintiff filed suit within 14 days.

5 4. On February 25, 2022, Plaintiff filed suit within the allowed time under
6 Washington Civil Rule 3. The lawsuit is entitled *Gabriel Lee Claycamp v. Lalo Trucking, Inc.,*
7 *et al.*, Whatcom County Superior Court of Washington, Cause No. 22-2-00229-37.

8 5. On March 2, 2022, Defendants filed their Notice of Appearance in the
9 underlying state court action.

10 6. Pursuant to 28 U.S.C. § 1446(a), a copy of documents served on Defendant Lalo
11 Trucking, Inc. are attached as Exhibit 1 to the Declaration of Jeff M. Sbaih in Support of Notice
12 of Removal to Federal Court.

13
14 **GROUND FOR REMOVAL**

15 7. This Court has jurisdiction over this action pursuant to 28 U.S.C. § 1332 because
16 the parties are diverse, the amount in controversy purports to exceeds \$75,000.00 and no
17 defendant is a citizen of Washington.

18 8. Complete diversity jurisdiction exists in that:

19 i. Plaintiff is a citizen of the State of Washington.

20 ii. Defendant Lalo Trucking, Inc. is a California corporation with its principal
21 place of business in the State of California.

22 iii. Defendant Edwin Perez is a citizen of the State of California.

23 9. This action is properly removed because no named defendant is a citizen of
24 Washington, the state in which Plaintiff brought the action. See 28 U.S.C. § 1441(b).

10. Plaintiff Gabriel Lee Claycamp claims personal injuries arising out of a motor vehicle accident that occurred on April 19, 2019 in Whatcom County, Washington involving him and Defendant Edwin Perez, who was during all relevant times acting within the course and scope of his employment with Defendant Lalo Trucking, Inc.

11. Defendants expect Plaintiff is claiming more than \$75,000 in damages in this case. See Western District of Washington Local Civil Rule 101(a); *McGill v. Crump Life Ins. Services, Inc.*, 2015 WL 1759231, at *2 (W.D. Wa. Apr. 17, 2015) (stating that under LCR 101(a), where the plaintiff does not specify an amount of damages, court may consider whether it is facially apparent from the Complaint that the minimum jurisdictional requirement is more likely than not met).

TIMELINESS OF REMOVAL

12. This Notice of Removal is timely under 28 U.S.C. § 1446(b). Defendants filed this Notice of Removal within thirty (30) days after service of the Complaint on Defendant Lalo Trucking, Inc. on or after February 15, 2022.

VENUE AND INTRA-DISTRICT ASSIGNMENT

13. Venue is proper in this District, pursuant to 28 U.S.C. § 1441(a) because the Complaint was filed and is currently pending in the Whatcom County Superior Court of Washington.

14. The Western Division is the proper intra-district assignment for this action upon removal because it is the division that embraces the county where the state court action was pending.

CONSENT AND NOTICE

15. Defendants collectively consent to this removal.

16. Defendants expressly reserve all of defenses and rights, and none of the foregoing shall be construed as in any way conceding the truth of any of Plaintiff's allegations or waiving any of Defendants' defenses.

DATED: March 10, 2022.

By: s/ Dylan E. Jackson

By: s/ Jeff M. Sbaih

Dylan E. Jackson, WSBA No. 29220

Jeff M. Sbaih, WSBA No. 51551

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Attorney for Defendants

CERTIFICATE OF ELECTRONIC SERVICE

I hereby certify that on the date set forth below, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to those attorneys of record registered on the CM/ECF system. All other parties (if any) shall be served in accordance with the Federal Rules of Civil Procedure.

Attorneys for Plaintiff

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SIGNED this 10th day of March, 2022, at Seattle, Washington.

/s/Mark Gockley
Mark Gockley